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PAGE 01 STATE 144455

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TO USMISSION OECD PARIS

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TAGS:ETRN, EFIN, OECD, UNCTAD

SUBJECT: SHIPPING: STUDIES OF UN LINER CONFERENCE CODE
BY INVISIBLES COMMITTEE

REF: OECD PARIS 16103, GERVERS-WEBB JULY 3 TELECON

1. FOLLOWING IS INTENDED AS INTERIM REPLY TO REFTEL. WE
WILL SUPPLY, HOPEFULLY PRIOR COB JULY 8, ADDITIONAL QUEST-
IONS FOR INVISIBLES COMMITTEE STUDY OUTLINE FOLLOWING RE-
CEIPT AND REVIEW OF FRENCH LIST OF QUESTIONS, TOGETHER WITH
BROADER GUIDANCE ON I.C. EXERCISE.

2. WE PLEASED TO LEARN BY REF TELECON THAT SECRETARIAT HAS
REVISED STUDY OUTLINE FROM THAT DESCRIBED REFTEL TO REFLECT
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PAGE 02 STATE 144455

MORE ACCURATELY COUNCIL JUNE 27 MINUTES (AS REPORTED OECD

PARIS 15969). DESPITE THIS IMPROVEMENT, HOWEVER, WE AGREE WITH MISSION (REFTEL) THAT PROPOSED SECRETARIAT OUTLINE STILL GOES SOMEWHAT BEYOND COUNCIL MANDATE, WHICH DOES NOT MENTION STUDY OF CURRENT CONFERENCE PRACTICES. U.S. EXPERT SHOULD THEREFORE AS APPROPRIATE CONTINUE TO MAKE POINTS WITH SECRETARIAT AND IN I.C. 1) THAT PRESENT CONFERENCE PRACTICES ARE LARGELY IRRELEVANT TO TASK ASSIGNED BY COUNCIL TO I.C. AND 2) THAT COUNCIL ASSIGNED PRIORITY TO STUDY OF INCOMPATIBILITY ISSUE.

3. IN EVENT IT NOT FEASIBLE TO ELIMINATE OR ASSIGN LOWER PRIORITY TO STUDY OUTLINE TOPIC ONE (I.E. DESCRIPTION OF PRESENT LINER CONFERENCE SYSTEM), U.S. EXPERT SHOULD SEEK TO ASSURE THAT QUESTIONS INCLUDED IN STUDY OUTLINE REFLECT FACT OF DIFFERENCES BETWEEN "OPEN" AND "CLOSED" CONFERENCES AND ALSO BETWEEN CONFERENCES WHICH INCORPORATE CARGO-SHARING ARRANGEMENTS AND THOSE WHICH DO NOT.

4. WE WOULD PROPOSE FOLLOWING QUESTIONS FOR TOPIC TWO (CHANGES IN PRESENT LINER CONFERENCE SYSTEM ENVISAGED BY UN LINER CODE):

A. WHAT EFFECT, IF ANY, WILL MEMBERSHIP PROVISIONS OF UN LINER CODE, ESP. ARTICLES 1 PARAS (1) AND (3), HAVE ON MEMBERSHIP OF EXISTING CONFERENCES?

B. WHAT WOULD BE REACTION OF OECD COUNTRIES TO DEMANDS BY COUNTRIES PARTY TO U.N. CONVENTION ON CODE TO RESTRUCTURE CONFERENCES TO REFLECT MEMBERSHIP CRITERIA CONTAINED IN ARTICLE 1 (1) AND (3)?

C. TO WHAT EXTENT WILL THE REQUIREMENT CONTAINED IN ARTICLE 2 (17) ALTER THE PRESENTLY COMMERCIALY-BASED DEFINITIONS OF POOL CARGOES?

D. HOW WILL THE "FREIGHT AND VOLUME OF TRAFFIC" MENTIONED IN ARTICLE 2 (4) BE CALCULATED?

E. WHAT WOULD BE THE RIGHTS OF THIRD COUNTRIES, SPECIFICALLY OECD-MEMBER THIRD COUNTRIES, UNDER THE PROVISIONS OF ARTICLE 2 (14)?
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PAGE 03 STATE 144455

F. HOW DOES THE 40-40-20 FORMULA CONTAINED IN ARTICLE 2 (4) COMPARE WITH THE FLAG PERCENTAGES IN EXISTING CARGO-SHARING ARRANGEMENTS?

G. IS THERE ANY CONSENSUS AMONG OECD MEMBER-COUNTRIES OF THE RANGE OF CARGO PERCENTAGES EMBRACED BY THE PHRASE "SIGNIFICANT PART, SUCH AS 20 PERCENT" CONTAINED IN

ARTICLE 4 (B)?

5. AS TO PROPOSED TIMETABLE FOR IC STUDY (AS PER TELECON)
WE CONCERNED THAT TWO WEEKS ALLOTTED FOR GOVERNMENT COMM-
ENTS ON SECRETARIAT DRAFT (I.E. BETWEEN SEPT. 1 AND SEPT.
15) ARE UNREALISTICALLY SHORT. WE RECOGNIZE THAT DEAD-
LINES DETERMINED BY SCHEDULES IC MEETINGS AND OCT. 23
MTC MEETING, BUT WOULD ANTICIPATE SOME SLIPPAGE DUE TO
INABILITY MANY GOVERNMENTS TO PROVIDE RESPONSES WITHIN
TIME LIMITS. WE WONDER IF IC SCHEDULE MIGHT BE ALTERED TO
PERMIT MORE REASONABLE TIMETABLE. SISCO

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